

### **REMARKS/ARGUMENTS**

A Notice of Non-Compliant Amendment was mailed to Applicant on May 18, 2007 indicating that the amendment document filed on January 23, 2007 was considered to be non-compliant because underlinings were not properly used in claim 47 and claim 55 as required by 37 CFR 1.121(a)(2)(ii). Furthermore, the examiner noted that the amendments made to claim 47 and claim 55 appeared to relate to claims submitted on 2/4/2004, and not to the amendment filed and entered on 6/15/2006.

Applicant respectfully submits that independent claims 47 and 55 have been amended to comply with 37 CFR 1.121(a)(2)(ii) and, as currently amended, relate to the amendment filed and entered on 6/15/2006. That is, all new subject matter has been underlined, along with deleted material from the original claims being enclosed in double brackets or marked by strikethrough. Independent claims 47 and 55, as amended, use the “currently amended” identifier, as do claims previously identified as such in the 10/31/2006 Office Action response (i.e., independent claims 26, 38, 42, and 50, along with dependent claim 33).

Moreover, upon Applicant’s review, underlinings had also not been properly used in independent claim 50 as required by 37 CFR 1.121(a)(2)(ii). Applicant respectfully submits that independent claim 50 has been amended and has been marked with the “currently amended” identifier.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Notice of Non-Compliant Amendment.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tim Meyers at (541) 715-4197 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 7<sup>th</sup> day of June, 2007.

Alison L. Subendran  
Name

ASL  
Signature

Respectfully Submitted,  
Peter J. Fricke, et al.

By their Representatives,  
BROOKS & CAMERON, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN 55403

By: [Signature]  
Edward J. Brooks III  
Reg. No. 40,925

Date: 6/07/2007